

FEDERAL REGISTER
 OF THE UNITED STATES
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Washington, Saturday, September 21, 1940

The President

FIRE PREVENTION WEEK—1940

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION.

WHEREAS untimely death by fire or painful injury from flames and smoke is the tragic fate of an appalling number annually of men, women, and children; and

WHEREAS avoidable fires caused damage to property in the United States during 1939 amounting to approximately \$275,000,000, an increase over the annual losses in recent years; and

WHEREAS public alertness and attention are most effective means of ensuring the establishment of adequate safeguards in places where destructive fires may occur:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate and proclaim the week beginning October 6, 1940, as Fire Prevention Week, and I urge that civic leaders and the press cooperate in promoting throughout the Nation, during that week, discussions and measures of action that will lead to the prompt elimination of fire hazards and to increased vigilance at potential points of danger.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of September, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2426]

[F. R. Doc. 40-3935; Filed, September 20, 1940;
11:00 a. m.]

GENERAL PULASKI'S MEMORIAL DAY

BY THE PRESIDENT OF THE UNITED STATES OF
AMERICA

A PROCLAMATION

WHEREAS, in a world seared by the ravaging hand of war and oppression, we Americans are increasingly grateful for the Republic which our fathers built on principles of freedom and equality; and

WHEREAS the valiant struggle to win American independence was advanced by the bravery of General Casimir Pulaski, a Pole who hated tyranny and who fought fiercely by the side of American patriots until he was wounded unto death, October 9, and drew his last breath on October 11, 1779; and

WHEREAS Public Resolution 76 of the Seventy-sixth Congress, approved on June 6, 1940, provides:

"That the President of the United States of America is authorized to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1940, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon officials of the Government to display the flag on Government buildings on October 11, 1940, and I invite the people of the United States to participate in the observance of that day as General Pulaski's Memorial Day with appropriate ceremonies in schools and churches, or other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of September, in the year of

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our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2427]

[F. R. Doc. 40-3936; Filed, September 20, 1940;
11:00 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 36—CLAIMS AGAINST THE UNITED STATES¹

GENERAL PROVISIONS

§ 36.7 Action to be taken by board of officers.

* * * * *

(c) Procedure to be followed to ascertain the amount of claim.

* * * * *

(3) Deductions will be made—

* * * * *

(ii) In the amount of any salvage value realized.

(iii) In the amount of any insurance actually collected from an insurer. (R. S. 161; 5 U.S.C. 22) [Par. 8, AR 35-7020, Dec. 1, 1938, as amended by sec. II, Cir. 103, W.D., Sept. 16, 1940]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.
[F. R. Doc. 40-3933; Filed, September 20, 1940;
10:04 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3563]

IN THE MATTER OF J. C. WINTER AND COMPANY, INC.

§ 3.66 (c20) Misbranding or mislabeling—Manufacture. Using, in connection with offer, etc., in commerce, of cigars, the words "hand-made" alone or in conjunction with any other words or expression of similar import and meaning, to describe or to designate, or in any way to refer to, cigars which are not made by hand, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. C. Winter and Company, Inc., Docket 3563, September 5, 1940]

§ 3.66 (a7) Misbranding or mislabeling—Composition: § 3.66 (b15) Misbranding or mislabeling—Identity: § 3.66 (f) Misbranding or mislabeling—Price: § 3.66 (i) Misbranding or mislabeling—Quality: § 3.66 (l) Misbranding or mislabeling—Value. Using, in connection with offer, etc., in commerce, of cigars, the legends or expressions, "5¢ cigar Now 2 for 5¢," "5¢ 2 for 5¢," or "Now 2 for 5¢," or any other terms of similar import and meaning to designate, describe or refer to the brand of cigars now sold under the brand name "R. J. Allen's," prohibited.

¹ § 36.7 (c) (3) (ii) is amended and (iii) is added.

(Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. C. Winter and Company, Inc., Docket 3563, September 5, 1940]

§ 3.6 (f) Misbranding or mislabeling—Price: § 3.66 (i) Misbranding or mislabeling—Quality: § 3.66 (k3) Misbranding or mislabeling—Type: § 3.66 (l) Misbranding or mislabeling—Value. Using in connection with offer, etc., in commerce, of cigars, the legends or expressions, "5¢ cigar Now 2 for 5¢," or "5¢ 2 for 5¢," or any other term indicating a reduction in price, to designate, describe or refer to any brand of cigars, unless the brand of cigars so designated, described or referred to has recently sold for the price stated and the cigars sold under the brand name are of the identical grade, type and quality of those sold under the brand name when the indicated higher price was in effect, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. C. Winter and Company, Inc., Docket 3563, September 5, 1940]

§ 3.6 (f) Misbranding or mislabeling—Price: § 3.66 (i) Misbranding or mislabeling—Quality: § 3.66 (k3) Misbranding or mislabeling—Type: § 3.66 (l) Misbranding or mislabeling—Value. Using, in connection with offer, etc., in commerce, of cigars, the legend or expression, "Now 2 for 5¢," or any other term indicating a reduction in price, to designate, describe or refer to any brand of cigars, unless the brand of cigars so designated, described or referred to has recently sold at a price greater than the price indicated and the cigars sold under the brand name are of the identical grade, type and quality of those sold under the brand name when the higher price was in effect, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. C. Winter and Company, Inc., Docket 3563, September 5, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of September, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before John L. Hornor, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by Marshall Morgan, counsel for the Commission, and by Louis A. Spiess, counsel for the respondent, and the Commission having made its findings as to the facts and its

conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered. That the respondent, J. C. Winter and Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of cigars in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the words "hand-made" alone or in conjunction with any other words or expression of similar import and meaning to describe or to designate, or in any way to refer to, cigars which are not made by hand;

(2) Using the legends or expressions, "5¢ cigar Now 2 for 5¢", "5¢ 2 for 5¢", or "Now 2 for 5¢", or any other terms of similar import and meaning to designate, describe or refer to the brand of cigars now sold under the brand name "R. J. Allen's";

(3) Using the legends or expressions, "5¢ cigar Now 2 for 5¢", or "5¢ 2 for 5¢", or any other term indicating a reduction in price, to designate, describe or refer to any brand of cigars, unless the brand of cigars so designated, described or referred to has recently sold for the price stated and the cigars sold under the brand name are of the identical grade, type and quality of those sold under the brand name when the indicated higher price was in effect;

(4) Using the legend or expression, "Now 2 for 5¢", or any other term indicating a reduction in price, to designate, describe or refer to any brand of cigars, unless the brand of cigars so designated, described or referred to has recently sold at a price greater than the price indicated and the cigars sold under the brand name are of the identical grade, type and quality of those sold under the brand name when the higher price was in effect.

It is further ordered. That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3942; Filed, September 20, 1940;
11:26 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

AMENDMENT TO DETERMINATION OF PREVAILING MINIMUM WAGES IN SMALL ARMS AMMUNITION, EXPLOSIVES AND RELATED PRODUCTS INDUSTRIES

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936

(49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes".

In the decision of October 4, 1939 (4 F.R. 4172) for the Small Arms Ammunition, Explosives and Related Products Industries, no provision was made permitting the employment of apprentices at lower rates than those determined to prevail in the respective industries.

Since the effective date of that decision, evidence has been presented to this Department showing the need for the employment of apprentices in the respective industries covered by the determination. Notice of opportunity to show cause dated July 15, 1940, gave all interested parties until and including July 30, 1940, to file briefs with the Administrator, Division of Public Contracts, Department of Labor, showing cause why the decision in the above-entitled matter should not be amended to permit the employment of apprentices at lower rates than those determined. No showing was made in opposition to the amendment as proposed.

I have considered all matters presented, and in the light of the facts,

I hereby determine that the decision dated October 4, 1939 (4 F.R. 4172) is amended by the addition of a paragraph after paragraph numbered three (3), reading as follows:

"Apprentices may be employed at lower rates than herein determined, provided their employment conforms to the standards of the Federal Committee on Apprenticeship."

Dated September 16, 1940.

[SEAL] CHARLES V. McLAUGHLIN,
Acting Secretary of Labor.

[F. R. Doc. 40-3937; Filed, September 20, 1940;
11:04 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

AMENDMENTS TO APPENDIX B

The Commission on September 17, 1940, effective November 1, 1940, amended Appendix B in part to read as follows:

Frequency (kc):	Allocation
1716	*
1720	Police.
1724	Police.
1728	Police.
1732	Police.
1736	*
1738	Government.
1740	*
1742	Government.
1744	*
1746	Government.
1748	*
1752	Amateur.

15 F.R. 2623.

Frequency (kc):	Allocation
2004	Amateur.
2008	Amateur.
2012	Amateur.
2016	Amateur.
2020	Amateur.
2024	Amateur.
2028	Amateur.
2032	Amateur.
2036	Amateur.
2040	Amateur.
2044	Amateur.
2048	Amateur.
2052	Amateur.
2056	Government.
2058	Relay Broadcast
2060	
2064	Government.
2066	Government.
2068	Relay Broadcast
2072	Government.
2074*	Government.
2076	Relay Broadcast
2080	Government.
2082	Government.
2084	Government.
2088	Government.
2090	Relay Broadcast
2092	
2096	Government.
*	*
7470	*
7480	Fixed.
7490	Police.
7800	Fixed.
7805	Police.
7810	Fixed.
*	*
7930	Fixed.
7935	Police.
7940	Fixed.
*	*

* Subject to the condition that no interference is caused to Government stations on adjacent channels.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3943; Filed, September 20, 1940;
11:27 a. m.]

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

FREQUENCY AMENDMENT

The Commission on September 17, 1940, effective October 1, 1940, amended § 4.23 by deleting, under Group B of the table, the frequency 2022 kilocycles and substituting in lieu thereof, the frequency 2074** kilocycles.

** Subject to the condition that no interference is caused to Government stations on adjacent channels.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3944; Filed, September 20, 1940;
11:27 a. m.]

FEDERAL REGISTER, Saturday, September 21, 1940

PART 10—RULES GOVERNING EMERGENCY
RADIO SERVICES
AMENDMENTS

The Commission on September 17, 1940, effective November 1, 1940, took the following action:

Amended § 10.44 to read as follows:

§ 10.44 Zone and interzone. The following frequencies are allocated for zone and interzone police stations:

(a) For interzone communication subject to the condition that no interference is caused to international service (available to interzone police stations and to zone police stations designated as alternate interzone control stations):

5135 kc working
5140 kc working⁶
5195 kc calling⁶
7480 kc day only⁶
7805 kc day only⁶
7935 kc day only⁶

⁶ These frequencies are available on a secondary basis for zone communication by zone stations separated from other zone stations by a distance greater than the communication range of the frequencies regularly assigned for zone communication.

⁶ The term "day" as used herein means that period of time between two hours after local sunrise and two hours before local sunset.

(b) For zone communication (available to interzone and zone police stations):

2804 kc calling
2808 kc working
2812 kc working

(c) Calling frequencies herein allocated may be used for the transmission of operating signals and a single short radiotelegram provided no interference is caused to call signals.

Deleted the heading "Frequency Tolerance" and substituted therefor "Operating Specifications".

Amended § 10.61 by deleting "6000 kc" and substituting in lieu thereof "30000 kc" wherever it appears.

Added the following new section, to read:

§ 10.62 Modulation limits. The transmitters of stations in the emergency services using A3 emission shall be modulated not less than 85 percent nor more than 100 percent on peaks.

Amended § 10.101 by changing item (b) to read as follows: "(b) nature and time of each communication^{12a}"

^{12a} It is intended by the use of the word "communication" in this section that a single entry will cover the substance as a whole of the initial call, answer or acknowledgement, and all related transmissions incidental to delivery of the primary message for any single emergency.

Amended § 10.122 by changing the final period to a comma and adding the following: "and that such agreements shall provide for notification to the Commission 60 days prior to termination thereof."

Amended § 10.123 by changing the final period to a comma and adding the following: "and that such agreements

shall provide for notification to the Commission 60 days prior to termination thereof."

Deleted § 10.124.

Amended § 10.126 by deleting all matter after the word "impracticable" and adding the following: "Municipal police stations shall not engage in point-to-point radiocommunication beyond the good service range of the transmitting station. The transmission or handling of messages requiring radiotelephone relay or the relaying of such messages is prohibited; *Provided, however,* That after proper showing and in unusual circumstances the Commission may in specific instances authorize communication routes involving such relays. Point-to-point communication between stations in the same local telephone exchange area is likewise prohibited unless the messages to be transmitted are of immediate importance to mobile units."

Deleted § 10.152.

Amended § 10.153 by deleting all matter after the word "impracticable" and adding the following: "State police stations shall not engage in point-to-point radiocommunication beyond the good service range of the transmitting station. The transmission or handling of messages requiring radiotelephone relay or the relaying of such messages is prohibited; *Provided, however,* That after proper showing and in unusual circumstances the Commission may in specific instances authorize communication routes involving such relays. Point-to-point communication between stations in the same local telephone exchange area is likewise prohibited unless the messages to be transmitted are of immediate importance to mobile units."

Deleted § 10.252.

Amended "Instructions—Emergency Service" as follows: Changed paragraph 2 to read:

2. Section 10.31 provides for the submission of blanket applications for authorizations for identical stations. It is contemplated that, in general, mobile, portable-mobile, and low-powered portable transmitters operating as part of a coordinated communication system will not be assigned individual licenses. Individual land stations in such a system will be individually licensed and will have separate call letters. The mobile and low-powered portable transmitters will be authorized in the license of the station normally in control of the communication network. Separate authorizations must be obtained for transmitters which are to be operated independently. In this respect your attention is invited to the provisions of § 1.351 of the Commission's Rules, which requires that applications for instruments of authorization for land and fixed stations be submitted in duplicate. It should be noted that under the provisions of this section applications for portable and mobile transmitters are also

to be submitted in duplicate. This is a change from previous practice.

Changed paragraph 3 to read:

3. Where application for license or modification of license for land and mobile equipment is made at the same time the description of the mobile equipment should appear on the same forms submitted for the land station.

Changed paragraph 6 in part, to read:

6. Requests for authority to install identical transmitting units may be made in a single application for construction permit. All units which are to be intended for service should be included whether they are destined for immediate installation or for spares. If two or more types of equipment are to be purchased a separate application for construction permit, in duplicate, is to be submitted for each type. * * *

Changed paragraph 10 to read:

10. The attention of municipalities on the borders of the United States is invited to Article 7 of the "Inter-American Agreement—Santiago, Chile, 1940" which reads as follows:

ARTICLE 7—INTERNATIONAL POLICE SERVICES

1. When the signatory countries authorize their police stations which are located in close proximity to the national boundaries of contiguous countries to transmit emergency information with similar stations of another country, the following rules shall be applied:

(a) Only police stations located close to the boundaries of contiguous countries shall be allowed to engage in this exchange of information.

(b) In general, only important police messages are to be handled, such as those which would lose their value due to slowness and time limitations of other communication systems.

(c) The frequencies to be used in radiotelephone communications with mobile police units shall not be used for radiotelegraph communications.

(d) Whenever the exchange of radiotelephone communications is authorized, these communications shall be made on the frequencies assigned to the respective stations for radio telephone service.

(e) If the exchange of radiotelegraph communications is authorized, these communications shall be made on the following frequencies:

2804 kc calling
2808 kc working
2812 kc working
5195 kc day calling
5135 kc day working
5140 kc day working

(f) Notifications concerning the particulars of stations engaged in international police service shall be forwarded to the Bureau of International Telecommunications Union, Berne, Switzerland, in order that all stations desiring to intercommunicate may be kept informed of the details concerning their operations.

(g) This service shall, in general, conform with the provisions of Article 17 of the Cairo Radio Regulations.

(h) Full use shall be made of the list of abbreviations appearing in Appendix 11 to the Cairo Radio Regulations. Plain language shall not be used if abbreviations will suffice. Service indications are as follows: "P", priority, for messages that are to be sent immediately, regardless of the number of other

messages on file. If no service indication is given the messages are to be transmitted in the order of receipt.

(1) The message shall contain the preamble, text, and signature, as follows:

(1) *Preamble.* The preamble of the message shall consist of the following: the serial number preceded by the letters "NR"; service indications as appropriate; check (this is the group count according to standard cable count system); the letters "CK" followed by numerals indicating the number of words contained in the text of the message; office and country of origin (not abbreviated), day of month and month, hour of filing and address.

(2) *Text.* The text may be either in plain language or code.

(3) *Signature.* The signature shall include the name and title of the person originating the message.

Added a new paragraph to read as follows:

18. If licensed operators are not to be used on the portable-mobile units of a police radiocommunication system, there must be on duty at all times at the land station an operator holding a second class license or higher, who has actual control of the portable-mobile units and personnel therein, and who has the authority to order the portable-mobile units off the air at any time necessary either for technical or other reasons, in order to insure proper operation. If operators holding only restricted radiotelephone permits are employed at the land station then an operator holding at least a restricted radiotelephone permit must be employed on each of the cars at all times the equipment is in use. (See § 2.53 (a) (2).) In any event service and maintenance of the transmitting equipment may only be conducted by personnel holding second class, or higher licenses. In the interest of continuity of service, if such an operator is not regularly employed at the radio station, he should be immediately available. (See §§ 13.61 (e) (3) and 13.75)

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3945; Filed, September 20, 1940;
11:27 a. m.]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

AMENDMENTS

The Commission on September 17, 1940, effective November 1, 1940, took the following action:

Amended § 12.82 by deleting footnote 1 and changing "1715-2000" kilocycles to read "1750-2050" kilocycles.

Amended §§ 12.111, 12.115 and 12.155 (a), (c) and (d) by deleting footnote 2 and changing "1715-2000" kilocycles to read "1750-2050" kilocycles wherever it appears. (Sec. 4 (i), 48 Stat. 1066; 47

U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3946; Filed, September 20, 1940;
11:27 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD]

APPLICATIONS OF PUBLIC SERVICE COMPANY OF INDIANA FOR EXEMPTION

ORDER REOPENING RECORD AND CONSOLIDATING DOCKETS, ETC.

Applications, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937, having been filed with the National Bituminous Coal Commission and the Bituminous Coal Division by the above named party; and

A consolidated hearing on applications for exemption, Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD and 1188-FD, having been held at Indianapolis, Indiana, on June 18, 1940, before W. A. Cuff, Trial Examiner, appointed for said purpose by order of the Director of the Bituminous Coal Division; and

At the aforesaid hearing the above-entitled applications for exemption, Docket Nos. 506-FD, 524-FD, 606-FD, 1163-FD and 1188-FD, Counsel for the Applicant and Counsel for the Bituminous Coal Division having agreed that the record made at said hearing might be closed subject to being reopened, upon order of the Director of the Bituminous Coal Division, to incorporate into said record the above-entitled application for exemption, Docket No. 1323-FD, and such additional evidence in regard to said application as Counsel for the Applicant and Counsel for the Bituminous Coal Division may desire to offer; and

Counsel for the Bituminous Coal Division and Counsel for the Applicant having, on August 30, 1940, in lieu of an oral hearing on the application for exemption, Docket No. 1323-FD, entered into a stipulation, consisting of four pages and two exhibits designated as Exhibit A and Exhibit B attached thereto, to be considered as evidence of the facts stated therein:

It is ordered. That the record made on the applications for exemption, Docket No. 506-FD, 524-FD, 606-FD, 1163-FD, and 1188-FD be and the same hereby is reopened for the purpose of consolidating the application for exemption, Docket No. 1323-FD, with the aforementioned application for exemption and incorporating into such record the appli-

cation for exemption, Docket 1323-FD, and the stipulation, consisting of four pages and two exhibits designated as Exhibit A and Exhibit B attached thereto, entered into with respect to that application; and

It is further ordered. That the application for exemption, Docket No. 1323-FD be and the same hereby is consolidated with the applications for exemption, Docket Nos. 506-FD, 524-FD, 606-FD, 1163-FD, and 1188-FD, and that said application for exemption, Docket No. 1323-FD, and the stipulation, consisting of four pages, and two exhibits designated as Exhibit A and Exhibit B, are hereby incorporated into the record made on the applications for exemption, Docket Nos. 506-FD, 524-FD, 606-FD, 1163-FD, and 1188-FD.

Dated September 18, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-3931; Filed, September 19, 1940;
2:54 p. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 261, IDAHO NO. 21

SEPTEMBER 10, 1940.

It appearing that the following-described public lands in Idaho are necessary for the purpose, it is ordered, under and pursuant to the provisions of section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public land laws and reserved for use by the general public as a stock driveway, subject to valid existing rights and the power site withdrawal affecting the lands:

BOISE MERIDIAN

T. 30 N., R. 1 W.,
sec. 25, lots 4, 6, 7, 8, and 10, aggregating
130.15 acres.

W. C. MENDENHALL,
Acting Assistant
Secretary of the Interior.

[F. R. Doc. 40-3932; Filed, September 20, 1940;
10:04 a. m.]

Office of the Secretary.

[Order No. 1485]

ASSIGNMENT OF OFFICES AND FUNCTIONS OF THE DEPARTMENT OF THE INTERIOR

MAY 16, 1940.

1. The assignment of offices and functions of the Department of the Interior is as follows:

Under Secretary of the Interior

1. National Park Service.
2. Bureau of Reclamation.

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3. Bonneville Project.
4. Bureau of Biological Survey.
5. Bureau of Fisheries.
6. Grazing Service.
7. Bituminous Coal Division.
8. U. S. Board of Geographic Names.

First Assistant Secretary of the Interior

1. General Departmental administration.
2. Office of Chief Clerk of the Department.
3. Office of Director of Personnel.
4. Office of Supervisor of Classification.
5. The Budget.
6. Office of the Representative, Advisory Council, Civilian Conservation Corps.

Assistant Secretary of the Interior

1. General Land Office.
2. Geological Survey.
3. Bureau of Mines.
4. Bureau of Indian Affairs.
5. Petroleum Conservation Division.
6. Division of Territories and Island Possessions.
7. Eleemosynary Institutions.

Solicitor for the Department

2. In the absence of the Secretary, the Under Secretary will act as Secretary of the Interior. In the absence of the Secretary and the Under Secretary, the senior Assistant Secretary on duty will act as Secretary.

3. In the absence of the Secretary, the First Assistant Secretary will sign personnel orders.

4. The First Assistant Secretary, under the supervision of the Secretary, will be the general administrative officer of the Department.

5. The Division of Investigations and the Office of Information, which office shall supervise the Photographic and Publications Sections, will be under the direct supervision of the Secretary of the Interior.

6. The Chief Clerk will have immediate supervision over the Purchasing Office, War Minerals Relief, the Miscellaneous Service Division, the Mail and Files Sections, the Office of Exhibits, the garage, the dispensary, and the telephone service. He will sign specially designated papers and documents in the absence of the Assistant Secretary.

7. This Order supersedes Orders No. 1312 and No. 1438 dated September 15, 1938 and January 4, 1940.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 40-3934; Filed, September 20, 1940;
10:21 a. m.]

DEPARTMENT OF AGRICULTURE.**Rural Electrification Administration.**

Administrative Order No. 516

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 12, 1940.

By virtue of the authority vested in me by the provisions of section 4 of the

Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 1099A1 McIntosh	\$132,000
Iowa 1003B1 Plymouth	158,000
Iowa 1041C1 Hancock	60,000
Iowa 1055B1 O'Brien	62,000
Iowa 1062B1 Ida	116,000
Iowa 1070B1 Osceola	40,000
Iowa 1074B1 Allamakee	260,000
Minnesota 1035D1 Brown	65,000
Minnesota 1056C1 Crow Wing	155,000
Minnesota 1060D1 Redwood	155,000
Minnesota 1085A1 Todd	237,000
South Carolina 1019C1 Laurens	106,000
South Carolina 1021B1 Lancaster	181,000
South Carolina 1032A1 Calhoun	130,000
South Carolina 1037A1 Lexington	170,000
Wisconsin 1032C1 Pierce	55,000
Wisconsin 1046D1 Lafayette	98,000
Wisconsin 1047C1 Jackson	52,000
Wisconsin 1057C1 Rusk	90,000

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-3950; Filed, September 20, 1940;
11:42 a. m.]

Surplus Marketing Administration.

[Docket No. A-140 O-140]

NOTICE OF HEARING WITH RESPECT TO AMENDMENTS TO ORDER, AS AMENDED, AND TENTATIVELY APPROVED MARKETING AGREEMENT REGULATING HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

Whereas, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary issued, effective May 1, 1940, Order No. 27, as amended, regulating the handling of milk in the New York metropolitan milk marketing area; and

Whereas, the Secretary, on March 30, 1940, tentatively approved a marketing agreement regulating the handling of milk in the New York metropolitan milk marketing area; and

Whereas, the Secretary has reason to believe that the declared policy of the act will be effectuated by the holding of a hearing to receive evidence concerning said tentatively approved marketing agreement and said Order No. 27, as amended, and amendments thereto which may be proposed, and to review present marketing conditions affecting milk produced for sale in the New York metropolitan milk marketing area in order to determine what amendments, if any should be made to said order, as amended, and to said tentatively approved marketing agreement:

Now, therefore, pursuant to the aforesaid act and general regulations issued thereunder, notice is hereby given of a hearing to be held, beginning at 10:00 a. m., e. s. t., on October 7, 1940, at the

Hotel McAlpin, New York City; on October 9, 1940, in the Lincoln Auditorium, Central High School, Syracuse, New York; and on October 11, 1940, in the State Office Building, Albany, New York. At the hearing, evidence will be received concerning any provisions of said order, as amended, and said tentatively approved marketing agreement, and evidence will also be received concerning marketing conditions affecting milk produced for sale in the New York metropolitan milk marketing area, in order that a determination may be made as to what further amendments, if any, should be made to said order and to said tentatively approved marketing agreement.

Copies of this notice and of Order No. 27, as amended, now in effect, may be procured at the office of the Market Administrator, 383 Madison Avenue, New York City, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0310 South Building, Washington, D. C., or may be there inspected.

Interested parties who desire to submit specific amendments to be considered at the hearing should file them in writing with the Hearing Clerk on or before September 28, 1940. Amendments so filed will be mimeographed and presented for discussion at the hearing.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

SEPTEMBER 19, 1949.

[F. R. Doc. 40-3949; Filed, September 20, 1940;
11:42 a. m.]

DEPARTMENT OF LABOR.**Public Contracts Division.****DETERMINATION OF PREVAILING MINIMUM WAGES IN BOILER SHOP PRODUCTS AND RELATED INDUSTRIES.****NOTICE OF HEARING**

The Public Contracts Board will hold a hearing in Room 3229, Department of Labor Building, Washington, D. C., at 10 a. m., on Tuesday, October 1, 1940, to take testimony upon which findings of fact will be made to assist the Secretary of Labor in determining, pursuant to section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) the prevailing minimum wages in the Boiler Shop Products and Related Industries.

The Boiler Shop Products Industry is that industry which manufactures industrial, power and marine boilers (except boilers for locomotives, heating boilers not exceeding 15 lbs. pressure, and hot water boilers), stokers 36 square feet grate area and over, pulverized fuel equipment, superheaters, air heaters for preheating air for combustion, economizers and such related steel plate products that are integral parts of the above equipment.

The Steel Plate Fabricating Industry is that industry which manufactures such

products as buoys, tanks, except such tanks as are covered by the definition of the Metal Tank Industry, unfired pressure vessels, blast furnaces, gasholders, smokestacks, penstocks, steel pipe whether riveted or fusion welded, and other kindred platework when fabricated from metal plates 10 gauge and up in thickness except tanks used for range boilers, gas and electric hot water heaters.

The Metal Tank Industry shall include the manufacture of standardized steel and other metal tanks and containers when shipped in a finished condition including the items as generally set forth below:

Bulk storage tanks, horizontal and vertical, for petroleum products and other liquids to be used for pressure not to exceed 50 lbs. per square inch, including steel supports, ladders, and walkways for same.

Underground storage tanks for petroleum products and other liquids of the type used for filling stations and domestic purposes.

Tractor Tender and Skid Tanks and other tanks for petroleum products and other liquids.

Hot water storage tanks and hydro-pneumatic tanks, 120 gallons and over, except such tanks in this class which are made from non-ferrous materials.

Air receiver tanks.

Septic tanks and basement storage tanks and supports for fuel oil.

Truck and trailer tanks.

A copy of the summary showing distribution of wage earners compiled from wage schedules voluntarily submitted by members of the industries will be introduced in evidence at the hearing.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives, will be given to persons engaged in the above-named industries, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed, but they should be received by the Board on or before the hearing date.

In order that the wage data presented for the hearing may be as representative of all sections of the industries as possible, employers who have not already submitted wage schedules are urgently requested to furnish the Division with the following wage data, which will be combined with the data at present available:

1. Name of firm,
2. Plant address,
3. Total number of production workers, week of January 13, 1940 (or, if plant was not operating in that week, the nearest normal week),
4. Average hourly earnings for each production worker during the week indicated in section 3 above. (These data

may also be presented in the form of a 1-cent frequency distribution table covering all production workers. It is not necessary to give the names of workers.)

This outline of suggested data is not meant to exclude the submission or any other pertinent information which an employer may desire to submit.

Employees appearing at the hearing, either in person or by their representatives, or submitting briefs, should acquaint the Board with facts as to the wages now being paid in the industries.

Dated September 17, 1940.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 40-3938; Filed, September 20, 1940;
11:04 a. m.]

DETERMINATION OF PREVAILING MINIMUM WAGE FOR PAINT AND VARNISH INDUSTRY

NOTICE OF HEARING

The Public Contracts Board will hold a hearing in Room 3229, Department of Labor Building, Washington, D. C., at 10 a. m. on Thursday, October 3, 1940, to take testimony upon which findings of fact will be made to assist the Secretary of Labor in determining, pursuant to section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) the prevailing minimum wage in the Paint and Varnish Industry.

The Paint and Varnish Industry includes the manufacture of pigments or colors, either in dry or paste form; paints mixed ready for use, or in dry or paste form; varnishes; lacquers; enamels; fillers, putty, top dressings; paint and varnish removers; furniture and floor wax; and lacquer thinners.

A copy of the summary showing distribution of wage earners compiled from wage schedules voluntarily submitted by members of the industry will be introduced in evidence at the hearing.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives will be given to persons engaged in the above-named industry, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed, but they should be received by the Board on or before the hearing date.

In order that the wage data presented for the hearing may be as representative of all sections of the industry as possible, employers who have not already submitted wage schedules are urgently requested to furnish the Division with the following wage data, which will be combined with the data at present available:

1. Name of firm,
2. Plant address,

3. Total number of production workers, week of June 10, 1940 (or, if plant was not operating in that week, the nearest normal week),

4. Average hourly earnings for each production worker during the week indicated in section 3 above. (These data may also be presented in the form of a 1-cent frequency distribution table covering all production workers. It is not necessary to give the names of workers.)

This outline of suggested data is not meant to exclude the submission of any other pertinent information which an employer may desire to submit.

Employees appearing at the hearing, either in person or by their representatives, or submitting briefs, should acquaint the Board with facts as to the wages now being paid in the industry.

Dated September 17, 1940.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 40-3939; Filed, September 20, 1940;
11:05 a. m.]

INTERSTATE COMMERCE COMMISSION.

NOTICE IN THE MATTER OF DESIGNATING AGENTS FOR SERVICE OF PROCESS BY PRIVATE CARRIERS

SEPTEMBER 12, 1940.

In Section 204 (a) (3) of the Motor Carrier Act it is provided that if the Commission finds that there is need to prescribe rules to promote safety of operation and if such requirements are established, the term "motor carrier" shall be construed to include private carriers of property by motor vehicle in the administration of certain Sections of the Act therein named. The Commission has found such need and has prescribed such rules, which are to become effective October 1, 1940. Among the Sections mentioned in Section 204 (a) (3), as being applicable to private carriers as included in the term "motor carrier", is Section 221 of the Act. In that Section it is provided that motor carriers shall designate in each State in which they operate, an agent upon whom process issued by or under the authority of any court having jurisdiction over the subject matter may be served in any proceeding at law or equity brought against such carrier. Numerous inquiries have been made as to whether private carriers will now be required to designate such agents.

The suggestion has been made that the designation of such agents is not necessary in the administration of that Section, and further that in the report promulgating the regulations applicable to private carriers the Commission expressly said that it would "subject such carriers to such provisions only insofar as is

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necessary for the Commission to exercise the authority specifically granted by Section 204 (a) (3)." These suggestions create doubt as to whether the carriers should be required to designate such agents. Until such doubt is resolved by further consideration, the Commission will not require private carriers to designate such agents.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-3940; Filed, September 20, 1940;
11:18 a. m.]

**NOTICE TO ALL RAIL CARRIERS RELATING TO
APPLICATIONS FOR RELIEF AND SCHEDULES, FILED UNDER SECTION 4 OF THE
INTERSTATE COMMERCE ACT AS AMENDED
BY THE TRANSPORTATION ACT OF 1940**

SEPTEMBER 19, 1940.

Section 4 (1) of the Interstate Commerce Act has been amended by the Transportation Act of 1940, now effective so as to provide:

That tariffs proposing rates subject to the provisions of this paragraph may be filed when application is made to the Commission under the provisions hereof, and in the event such application is approved, the Commission shall permit such tariffs to become effective upon one day's notice.

In view of this amendment and pending modification of the Commission's Rules of Practice and applicable tariff circulars, carriers which file applications for relief from the provisions of section 4 with respect to rates, fares or charges included in schedules filed at the same time as such applications, should include in the applications a complete statement of the tariffs and supplements containing such rates, fares or charges in substantially the following form:

The rates (fares) (charges) as to which relief is prayed herein have been published and filed to become effective _____

(Date)

in _____ Tariff, I. C. C.
(Name of agent or carrier)_____ (Supplement number to tariff
(No.) should be shown if published therein).

Tariffs and supplements filed under the above provision should show on the title page thereof a statement that they contain rates, fares, or charges, as the case may be, that contravene the long-and-short-haul (or aggregate-of-intermediate) provision of section 4, and should give specific reference to an item or page of the tariff or supplement on which shall be prominently displayed a complete and specific list of items and pages on which such rates are found, with specific number and date reference to the application for relief with respect to such rates, fares or charges.

By the Commission, division 2.

[SEAL]

W. B. BARTEL,
Secretary.

[F. R. Doc. 40-3941; Filed, September 20, 1940;
11:18 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-152]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, HERMISTON LIGHT AND POWER COMPANY, RALPH ELSMAN, TRUSTEE, UNDER TRUST AGREEMENT DATED JULY 12, 1939

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1940.

The above-named persons having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (d) thereof and Rule U-12D-1 thereunder regarding the sale of all of the assets (exclusive of cash) of Hermiston Light and Power Company to Pacific Power & Light Company; and

Said declaration having been filed on September 6, 1940, and an amendment thereto having been filed on September 17, 1940, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named parties having requested that said declaration, as amended, become effective on or before September 20, 1940; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration pursuant to Rule U-12D-1 to become effective, and being satisfied that the effective date of such declaration, as amended, should be advanced;

It is hereby ordered, pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9 that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission. Commissioner Healy being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3947; Filed, September 20, 1940;
11:31 a. m.]

[File No. 70-158]

IN THE MATTER OF LEONARD S. FLORSHEIM, TRUSTEE OF INLAND POWER & LIGHT CORPORATION, DEBTOR AND MICHIGAN PUBLIC SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 20th day of September, A. D. 1940.

Notice is hereby given that a declaration and application have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than October 7, 1940, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective and may be granted as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which are on file in the office of said Commission, for a statement of the transactions therein proposed which are summarized below:

Said Leonard S. Florsheim, Trustee of Inland Power & Light Corporation, debtor, appointed trustee of said corporation by the District Court of the United States for the Northern District of Illinois, Eastern Division, in proceedings entitled "In the Matter of Commonwealth Light and Power Company, a corporation, Debtor; Inland Power & Light Corporation, a corporation, Debtor, Consolidated Proceedings for the Reorganization of Certain Corporations No. 52028," now owns beneficially 85,000 shares of the common stock of Michigan Public Service Company, subsidiary of the trust estate, being all of the outstanding common stock of the company. Said shares are presently of no par value but by amendment to be made before the transaction is consummated they will be given a par value of \$20 per share. Said shares are pledged with Central Hanover Bank and Trust Company of New York, along with certain other collateral, to secure the 6% collateral trust gold bonds of Inland Power & Light Corporation in the principal amount of \$4,782,500. The Trustee is also the beneficial owner of certain promissory demand notes of said Michigan Public Service Company aggregating in principal amount \$620,132.24, bearing interest at 6 1/4% per annum, which promissory notes are held by the Trustee among the free assets of the trust estate of Inland Power & Light Corporation.

The Trustee proposes to sell all of said shares of common stock to Otis & Co. and others, as Underwriters, for distribution to the public for the consideration of \$1,045,134.24. At the same time said promissory demand notes will be sur-

rendered by the Trustee to Michigan Public Service Company for cancellation as a contribution to the capital of said Company, there being reserved, however, to said United States District Court full power to allocate said consideration of \$1,045,134.24 between said shares of common stock and said promissory notes in such manner and in such amounts as it shall see fit.

The sale of said common stock and the surrender of said notes are part of a general program whereby the first mortgage 5% bonds of said Michigan Public Service Company presently outstanding in the sum of \$3,943,000 will be refunded and the treasury of that Company will be reim-

bursed in part for additions and extensions to its plants and properties, by means of \$3,500,000 new first mortgage 4% bonds, Series A, due October 1, 1965, and \$750,000 serial 4% debentures maturing in the amount of \$75,000 each year over a period of ten years.

As a part of the same general program it is proposed that all cumulative dividends now in arrears upon the 7% and 6% preferred stock and \$6 junior preferred stock of said Michigan Public Service Company, amounting to \$135,110.25 shall be paid up, and that said Company shall offer to the holders of said preferred shares the opportunity to exchange such shares for shares of a new issue of pre-

fferred stock ("6% series of 1940") to be made available by appropriate amendment of the Articles of Incorporation, which new preferred stock shall not contain the provision in the stock presently outstanding requiring the Company to redeem it December 31, 1956. The basis of such exchange is to be share for share as regards the present 6% preferred, and share for share plus a premium of \$7 per share in the case of the present 7% preferred.

By the Commission.

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3948; Filed, September 20, 1940;
11:40 a. m.]

